

effort to relitigate issues that the Commission has already decided and that the Court of Appeals has already affirmed.

#### Motion for Stay

Ameritech Michigan requests that the Commission immediately stay the effect of its order while it considers the petition for rehearing and the motion to reopen the record and, in addition, if it denies the relief that Ameritech Michigan seeks in those filings, that the Commission grant a stay for another 30 days to permit it to seek relief in the courts.

The motion for a stay is appropriately seen as a request for rehearing of the June 26, 1996 order, which provided that Ameritech Michigan was to comply within 30 days. By not immediately granting the motion for a stay, the Commission effectively denied the motion. The Commission also finds that it should deny the request for a further delay in Ameritech Michigan's compliance with the June 26, 1996 order. The Commission previously determined that dialing parity should occur on January 1, 1996. The Commission then concluded in the June 26, 1996 order that the 1995 amendments to the Act delayed implementation of dialing parity for all but 10% of Ameritech Michigan's exchanges until May 2, 1996, but the Commission granted a delay in compliance with that order for 30 days. The Commission does not find that a further delay on an issue that has been extensively litigated is warranted or in the public interest.

#### Request for Clarification

MCI and AT&T assert that Ameritech Michigan has interpreted the Commission's order as providing it with the choice to implement dialing parity or to grant a 55% discount in access charges. AT&T relies on an Ameritech Michigan tariff, press release, and letter to interexchange

carriers, all indicating that Ameritech Michigan views itself as having a choice to implement dialing parity or to offer a discount on access charges. MCI relies on two letters to interexchange carriers.

There is no basis for such an interpretation. Ordering paragraph "A" of the order says: "Within 30 days, Ameritech Michigan shall provide intraLATA dialing parity in the manner and according to the schedule called for in the Commission's February 24, 1994, July 19, 1994, and March 10, 1995 orders in this docket." Ordering paragraph "B" says: "Within 30 days, Ameritech Michigan shall implement a 55% discount on access charges in central offices where, in violation of the conversion schedule called for by the Commission's February 24, 1994, July 19, 1994, and March 10, 1995 orders in this docket, Ameritech Michigan fails to provide intraLATA dialing parity [emphasis added]." There is no "or" or "in the alternative" linking those paragraphs. Thus, the June 26, 1996 order did not give Ameritech Michigan a choice to violate the orders requiring dialing parity and it is unnecessary to clarify the order. The Commission reiterates that the discount is to be offered for those exchanges in which Ameritech Michigan is in violation of the Commission's mandated conversion schedule. If the violations continue, the Commission has jurisdiction under the Act to impose additional remedies.

On the other hand, the Commission also finds no basis in the prior orders for extending the discount to cover all intrastate access charges, as MCI requests. From the beginning, this case has been about only intraLATA calls. MCI has offered no reasoned basis for now expanding the scope of the case.

**The Commission FINDS that:**

- a. Jurisdiction is pursuant to 1991 PA 179, as amended by 1995 PA 216, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.;

MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, 1992 AACCS, R 460.17101 et seq.

b. The petition for rehearing, the motion to reopen the record, and the motion for a stay should be denied.

c. Ameritech Michigan should provide intraLATA dialing parity in the manner and according to the schedule called for by the Commission's prior orders in this case.

**THEREFORE, IT IS ORDERED that:**

A. Ameritech Michigan's petition for rehearing, motion to reopen the record, and motion for a stay are denied.

B. Effective immediately, Ameritech Michigan shall provide intraLATA dialing parity in the manner and according to the schedule called for in the Commission's February 24, 1994, July 19, 1994, March 10, 1995, and June 26, 1996 orders in this docket.

C. Effective immediately, Ameritech Michigan shall implement a 55% discount on intraLATA access charges in central offices where, in violation of the conversion schedule called for by the Commission's February 24, 1994, July 19, 1994, March 10, 1995, and June 26, 1996 orders in this docket, Ameritech Michigan fails to provide intraLATA dialing parity.

D. The Executive Secretary shall place a copy of this order in the docket in Case No. U-11104.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand  
Chairman

(SEAL)

/s/ John C. Shea  
Commissioner

/s/ David A. Svanda  
Commissioner

By its action of October 7, 1996.

/s/ Dorothy Wideman  
Its Executive Secretary